

REMARKS

The above amendments and these remarks are submitted in response to the Office Action mailed June 7, 2004 in the above captioned application, which has been received and carefully analyzed. Claims 114-117 have been added. Claims 1-50, 55-59, 64-68, 74, 93 and 114-117 are now pending in this case for prosecution. Claims 5, 6, 11 and 14 have been amended. Claims 1, 20, 40, 44, 50, 55, 58, 64, 74, 93 and 114 are independent.

SECTION 102 REJECTIONS

Claims 1-50, 55-59, 64-68, 74 and 93 were rejected under 35 U.S.C. § 102(e) as being anticipated by Adachi, U.S. Patent Application, No. US 2002/0038213 A1.

Applicant submits that a prima facie case of anticipation has not been established with respect to the cited reference.

The Examiner has the initial duty and burden of presenting a prima facie case of anticipation. In re Skinner, 2 USPQ 2d 1788, 188-89(B.P.A.I. 1986). If the examination does not product a prima facie case of unpatentability then without more, the applicant is entitled to grant of the patent. In re Oetiker, 977 F. 2d. 1443,1444 , 24 USPQ 2d 1443,1444 (Fed. Cir. 1992). Anticipation requires the disclosure in a single reference of each element of the claim, arranged as in the claim. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481,485 (Fed. Cir. 1984) citing Connell v. Sear, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

A number of elements in applicants modified and newly added claim are not present in the cited reference. Adachi does not disclose the source code generation element of applicant's invention. Further, Adachi does not disclose acceptance and use of Subject Matter Expert (SME) information for the code generation. Even further, is the aspect and element of applicant's

invention that addresses the user interface that is provided, along with the creation of morphable objects that are utilized in the user interface. There is no teaching or suggestion in Adachi of a programming tool or object generating modeler. There is also no teaching of formation of a knowledge database based on the SME provided rules. Adachi also does not address a user interface that alters in response to the user input of information. Importantly, there does not appear to be any indication that Adachi teaches, suggests, or anticipates the novel and claimed aspects of applicant's invention.

Applicants have added a new claim 114 which further and particularly sets forth and expounds on the claimed elements and limitations of the invention.


The knowledge base connection to a processor that is recited by the Examiner as being disclosed by Adachi does not provide for the generation of any source code or morphable objects. Adachi is directed to a dialogue processing systems, which allows an individual to lead a dialogue with a computer system. The knowledge base of Adachi is utilized to match individual items of information. As described in Adachi, a certain number of preset slots are defined to hold particular information items that the system attempts to identify during a dialogue. An analyzer processes a human's communication to identify, extract and correctly slot the sought-after information items. In the event that certain slots are not filled, the system prompts the human for the 'missing information'. The system continues in this loop until it is able to fill all slots or meet an acceptable minimum that will enable the system to finally respond to the human. This system is quite distinct in application, components, and implementation, from applicant's claimed invention.

Applicants' request for extension of time under 37 CFR 1.136(a) as well as Applicants' petition fee are enclosed herewith and filed simultaneously with this response.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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